

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2001-346-W/S - ORDER NO. 2001-995
OCTOBER 10, 2001

IN RE: Petition of Pinebrook of Spartanburg) ORDER CANCELLING
Requesting Certificate Providing Water and) CERTIFICATE OF
Wastewater Service to Pinebrook Mobile) PUBLIC CONVENIENCE
Home Park be Cancelled.) AND NECESSITY TO
) OPERATE AS A WATER
) AND SEWER UTILITY

This matter comes before the Public Service Commission of South Carolina ("Commission") on the request of Pinebrook of Spartanburg to cancel its Certificate of Public Convenience and Necessity to operate as a water and sewer utility. Pinebrook of Spartanburg advised the Commission that it would no longer be charging for or selling water service or sewer service.

Pinebrook of Spartanburg received its Certificate of Public Convenience and Necessity by Order No. 84-115, dated February 16, 1984, in Docket No. 83-330-W/S. By Order No. 84-115, the Commission found Pinebrook of Spartanburg fit, willing, and able to provide water and sewer service, and the Commission approved initial rates for Pinebrook of Spartanburg to charge for the services it provided.

Pinebrook of Spartanburg now comes before the Commission seeking to cease operating as a water and sewer utility. In support of its request to cancel its Certificate of Public Convenience and Necessity and to cease providing water or sewer service for sale to the public, Pinebrook of Spartanburg provided the Commission Staff with a copy of a

letter from the South Carolina Department of Health and Environmental Control (“SC DHEC”) dated August 31, 2001, wherein SC DHEC acknowledged that Pinebrook of Spartanburg has been inactivated from the State’s Water Supply Inventory. The letter indicated that Pinebrook of Spartanburg would maintain distribution and also recommended that Pinebrook of Spartanburg continue certain monitoring, flushing, cross connection control, leak detection, maintenance, etc. By Letter dated September 11, 2001, Pinebrook of Spartanburg responded to SC DHEC and stated its agreement to continue with certain normal procedures such as bacteriological monitoring and chlorine residual monitoring, disinfection and sanitary procedures for water line repairs and issuance of Boil Water Advisories and sampling, valve maintenance, system flushing, leak detection and repairs, cross connection control, standard operating procedures, and emergency operating plan.

Upon consideration of Pinebrook of Spartanburg’s request to cancel its Certificate of Public Convenience and Necessity, the Commission finds that the request should be granted. As Pinebrook of Spartanburg is no longer providing water or sewer service to the public for compensation, Pinebrook of Spartanburg no longer meets the definition of a “public utility” subject to regulation by this Commission. As found in S.C. Code Ann. Section 58-3-10(3) (Supp.2000), “the term *public utility* includes ... every corporation and person furnishing or supplying in any manner ... water, sewerage collection, sewerage disposal, ... to the public, or any portion thereof, for compensation ...” Because Pinebrook of Spartanburg is no longer providing water or sewer service to the public for compensation, Pinebrook of Spartanburg is no longer a “public utility.” Further evidence

that Pinebrook of Spartanburg is no longer operating as a public utility is the fact that SC DHEC has inactivated Pinebrook of Spartanburg from the State's Water Supply Inventory. While Pinebrook of Spartanburg has agreed to maintain distribution and to continue certain maintenance, monitoring, and procedural duties, the Commission finds that those activities do not meet the definition of "public utility" to require Commission regulation of Pinebrook of Spartanburg.

IT IS THEREFORE ORDERED THAT:

1. The Certificate of Public Convenience and Necessity issued with the approval of rates by Order No. 84-115, dated February 16, 1984, in Docket No. 83-330-W/S is hereby cancelled, and Pinebrook of Spartanburg's tariff of rates and charges is withdrawn.

2. As Pinebrook of Spartanburg is no longer operating as a public utility under the Commission's jurisdiction, the Commission orders that the performance bond maintained by Pinebrook of Spartanburg and on file with the Commission, pursuant to S.C. Code Ann. Section 58-5-720 (Supp.2000), S.C. Code Regs. 103-512.3, and S.C. Code Regs. 103-712(3) be cancelled and rescinded.

3. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)